

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:03-CR-00077-F-1

UNITED STATES OF AMERICA

v.

DANNY L. BLACKMON,

Defendant.

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ORDER

This matter is before the court on Danny L. Blackmon's February 1, 2017 motion [DE-123]. In his motion, Blackmon is attempting to attack his sentence pursuant to *Johnson v. United States*, 135 S. Ct. 2551 (2015).¹

Because Blackmon is attacking the validity of his sentence, the appropriate avenue to bring this challenge is by way of a § 2255 motion.² To the extent that Blackmon seeks to file a § 2255 motion, he must file it on the appropriate form. The Clerk of Court hereby is DIRECTED to send a copy of the appropriate § 2255 form to Blackmon. If Blackmon elects to pursue a § 2255 motion, he shall have twenty-eight days within which to file his motion on the appropriate § 2255 form provided by the Clerk. Blackmon should send the original of the § 2255 form to:

¹ A review of the record reveals that pursuant to Standing Order No. 15-SO-02, counsel was previously appointed to assist Blackmon. Counsel later moved to withdraw without presenting any motions on his behalf.

² Title 28, United States Code, Section 2255 states four grounds upon which such relief may be claimed: (1) that the sentence was imposed in violation of the Constitution or laws of the United States; (2) that the court was without jurisdiction to impose such sentence; (3) that the sentence was in excess of the maximum authorized by law; and (4) that the sentence is otherwise subject to collateral attack. 28 U.S.C. § 2255(a).

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

SO ORDERED.

This 2 day of February 2017.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE